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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,563

06/02/2006

Michael Gavin Proctor

71,049-012

6206

27305

7590

07/15/2010

HOWARD & HOWARD ATTORNEYS PLLC  
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EXAMINER

MOORE, MARGARET G

ART UNIT

PAPER NUMBER

1796

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DELIVERY MODE

07/15/2010

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* MICHAEL GAVIN PROCTOR and ROSEMARY TAYLOR

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Appeal 2010-009775  
Application 10/581,563  
Technology Center 1700

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Before STEVEN J. BARTLETT, *Division 2 Support Manager*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 12, 2010. A Docketing Notice was mailed on July 15, 2010. Upon review of the application, it has been determined that a remand to the Examiner is necessary to consider the following issues and to take necessary corrective action.

UNDECIDED PETITION

A Petition for Entry of Requested Evidence After Filing of Appeal Brief was filed on April 26, 2010. However, there is no indication in the record that the Petition was decided.

REPLY BRIEF NOT CONSIDERED

A Reply Brief was filed in this application on April 26, 2010. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

Accordingly, it is ordered that the application is remanded to the Examiner:

- 1) to have the Petition filed April 26, 2010 decided;
- 2) to consider the Reply Brief filed April 26, 2010 as indicated above;
- 3) for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

Appeal 2010-009775  
Application 10/581,563

SJB/kme

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